

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.3239 OF 2024

Mandar Anant Bhatkar ... Applicant
Vs.
State of Maharashtra ... Respondent

Mr. Rahul Arote for Applicant.

Mr. Bapu V. Holambe-Patil, APP for Respondent-State.

CORAM : MANISH PITALE, J.
DATE : DECEMBER 04, 2024

P.C. :

. Heard Mr. Arote, learned counsel for the applicant and Mr.Holambe-Patil, learned APP for the respondent-State.

2. The applicant is apprehending arrest in connection with FIR No.0318 of 2024 dated 27.09.2024 registered with Khed Police Station, District - Ratnagiri, for offences under Sections 406, 420 read with 34 of the Indian Penal Code, 1860 (IPC).

3. The informant lodged a complaint with the police leading to registration of the FIR, wherein he alleged that the applicant along with co-accused person had duped him, for the reason that when he was pursuing applications moved for measurement of a particular piece of land, money was demanded and even after the amount demanded was actually paid, the exercise of measurement was not carried out.

4. The learned counsel for the applicant submits that the applicant is working as scrutiny clerk in the office of the Deputy Superintendent of Land Records. It is submitted that in the first place, the applications for measurement were not even moved by the informant as the original

owner had moved the said applications. It is further submitted that the amounts of Rs.50,000/- and Rs.20,000/- were allegedly paid to the applicant in March 2023, while the FIR has been registered in September 2024. It is submitted that in such a situation, this Court may consider allowing the present application as the applicant undertakes to co-operate with the investigation.

5. On the other hand, the learned APP submits that the ingredients of the offences registered against the applicant can be said to be made out as detailed chronology of events has been given by the informant, who is a senior citizen aged about 72 years.

6. The statement of the informant, which led to registration of the FIR, itself, shows that according to the informant, the applicant had demanded certain amount in March 2023 and the informant paid amounts of Rs.50,000/- and Rs.20,000/- to the informant towards the end of March 2023. This was purportedly for the purpose of carrying out measurement of a piece of land and that the applicant, as a scrutiny clerk in the office of the Deputy Superintendent of Land Records, was supposed to oversee and undertake such measurement activity. It is pointed out that the application for measurement itself was moved by the original owner from whom the applicant claims to have purchased part of the land. There is nothing to indicate that any grievance pertaining to measurement of land was raised by the original owner i.e. the applicant in the aforesaid application.

7. The allegation of amounts, having been paid, pertains to March 2023, while the FIR has been registered on 27.09.2024, which *prima facie* shows that there is delay in registration of the FIR. As to whether the applicant could be guilty of dereliction of duty is another matter but so far as the specific allegations pertaining to offences of cheating and misappropriation of amounts are concerned, this Court is of the opinion

that *prima facie* the ingredients of the said offences may not be made out against the applicant.

8. In view of the above, the application is allowed in the following terms:-

- A. In the event the applicant is arrested in connection with FIR No.0318 of 2024 dated 27.09.2024 registered with Khed Police Station, District - Ratnagiri, he shall be released on bail on furnishing PR Bond of Rs.25,000/- with one or two sureties in the like amount;
- B. The applicant shall remain present before the investigating officer on 06.12.2024 between 10:00 a.m. and 12 noon and thereafter, as and when called by the investigating officer. He shall co-operate with the investigation;
- C. The applicant shall not influence the informant, witnesses or any person concerned with the case and he shall not tamper with the evidence.

9. Needless to say, violation of any of the aforesaid conditions would make the applicant liable to face proceedings for cancellation of anticipatory bail. It is also clarified that the observations made in this order are limited to the question of grant of anticipatory bail to the applicant in the present application and that the trial Court shall proceed further, without being influenced by the observations made in this order.

10. The anticipatory bail application is disposed of.

11. In view thereof, the interim application also stands disposed of.

(MANISH PITALE, J.)